

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

EDDIE BERNICE JOHNSON, et al.,

Plaintiff-Intervenors,

v.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, *et al.*,

Defendants.

CIVIL ACTION NO.
3:21-cv-00259-DCG-JES-JVB
[Consolidated Action: Lead Case]

**LULAC PLAINTIFFS' RESPONSE TO STATE DEFENDANTS'
ADVISORY REGARDING THE COURT'S MAY 21, 2025
PROVISIONAL TRIAL SETTING**

Plaintiffs LULAC, *et al.* ("Plaintiffs") file this response to clarify their position as described in State Defendants' Advisory Regarding the Court's May 21, 2025 Provisional Trial Setting. Doc. 856.

LULAC Plaintiffs agree that "LULAC Plaintiffs' appeal of this Court's ruling on legislative privilege matters remains pending in the Fifth Circuit." *Id.* at 3. *See LULAC v. Abbott*, No. 24-50128 (5th Cir.) (*consolidated with LULAC v. Abbott*, No. 24-50449 (5th Cir.)). However, LULAC Plaintiffs do not agree that if this case proceeds to trial before a ruling from the Fifth Circuit, and if the Fifth Circuit later reverses this Court's ruling, LULAC Plaintiffs "may seek to

retry their claims after receipt of the documents Defendants have withheld on legislative privilege grounds.” *Id.*

It is LULAC Plaintiffs’ position that, if this case proceeds to trial on the intentional discrimination claims before a ruling from the Fifth Circuit, and if the Fifth Circuit later reverses this Court’s legislative privilege rulings, LULAC Plaintiffs may seek to supplement the record with testimony and documents Defendants have withheld on legislative privilege grounds. That supplementation would not require the parties to “try[] the case multiple times” or “greatly increase the fees State Defendants must pay.” *Id.* LULAC Plaintiffs do not agree that waiting until the Fifth Circuit’s resolution of the pending appeal would be a more efficient use of the Court’s and the Parties’ resources, and believe the case can move forward to trial before a ruling from the Fifth Circuit in the pending legislative privilege appeals.

Dated: February 28, 2025

Respectfully submitted,

/s/ Nina Perales

Nina Perales

Fátima Menéndez

Julia Longoria

Mexican American Legal Defense and Educational
Fund (MALDEF)

110 Broadway Street, Suite 300

San Antonio, TX 78205

Phone: (210) 224-5476

Facsimile: (210) 224-5382

Email: nperales@maldef.org

Email: fmenendez@maldef.org

Email: jlongoria@maldef.org

Counsel for LULAC Plaintiffs

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 28th day of February, 2025.

/s/ Nina Perales
Nina Perales